

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Betty Dusange-Hayer, and Ishan Holdings	)	C/A No. 2:15-cv-4341 DCN
and Development Corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>ORDER</u></b>
	)	
Karnalyte Resources, Inc.; Robin Phinney;	)	
Quentin Plester; Julius Brinkman; Henry	)	
Kerhoven; Sokurn Sue Ng; Vishvesh D.	)	
Nanavaty; Sanjeev V. Varma; Mukund	)	
Purohit; John Doe 1-10 and Jane Doe 1-10,	)	
	)	
Defendants.	)	

The above referenced case is before this court upon the magistrate judge's recommendation that defendants' motion to dismiss be granted in part, and for the reasons stated within the Report and Recommendation, the case should be dismissed without prejudice.

This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984),

cert. denied, 467 U.S. 1208 (1984 ).<sup>1</sup> **Objections to the magistrate judge's report and recommendation were filed on August 18, 2016 by the plaintiff. On September 6, 2016, defendants filed their reply to plaintiff's objections.**

After conducting a de novo review, the magistrate judge's report and recommendation is **AFFIRMED IN PART**, and defendants' motion to dismiss is **GRANTED IN PART**. Plaintiff Ishan Holdings and Development Corporation is hereby **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that this matter is remanded to the magistrate judge for further proceedings.

**AND IT IS SO ORDERED.**



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David C. Norton  
United States District Judge

September 22, 2016  
Charleston, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure

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<sup>1</sup>In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.